

Appl. No. 09/812, 066
Amdt. Dated April 27, 2005

Attorney Docket No.: ONX-108/CIP
Reply to Office Action of February 28, 2005

REMARKS:

REASONS THIS AMENDMENT SHOULD BE ENTERED

The Applicants submit that this amendment cancels rejected claims, complies with requirements set forth in the previous Office Action and otherwise puts the claims in
5 allowable form. As such, entry of the amendment is proper under 37 CFR 1.113.

EXAMINER INTERVIEW SUMMARY

In a telephone interview with attorney Joshua D. Isenberg on April 26, 2005 the Examiner discussed the rejections of claims 70, 74, 78-80, 83, 84 and 86-88 involving prior art reference US 2004000042716 to Dames. The Examiner agreed that Dames has
10 an effective date of December 4, 2001, which is later than the March 17, 2001 filing date of the present application. The Examiner agreed that Dames is not prior art with respect to the present application.

CLAIM AMENDMENTS

To expedite prosecution, the Applicants have canceled claims 14, 26, 29, 70-75, 78-80-
15 69, 83 and 84 amend claims and amended claims 15, 17, 32, 81, 82, 85, 82 and 92 to put them in independent form and overcome the Examiner's rejections under 35 USC 112. In addition, the Applicants have amended claims 15, 21, and 32 to depend from claim 14, amended claim 21 to depend from claim 17, and amended claims 30-31 to depend from claim 21. Claim 48 has been amended to remove the extraneous words "or wherein"
20 from the end of the claim. The Applicants submit that these amendments merely make explicit that which was implicit in the claims as originally filed. Therefore, the Applicants submit no new matter is being entered with these amendments. Furthermore, the Applicants submit that these amendments do not narrow the scope of any limitation or element of any claim within the meaning of the decision in *Festo Corp. v. Shoketsu*
25 *Kogyo Kabushiki Co., Ltd.*, 234 F3d 558, 566, 56 U.S.P.Q.2d 1865 (Fed. Cir. 2000) 535 U.S. 722, 152 L. Ed. 2d 944, 122 S. Ct. 1831, (2002).

CLAIM OBJECTIONS

The Examiner has objected to claims 14 for lack of antecedent basis for "the first and second deflector arrays" and claim 48 for ending in "or wherein". To expedite

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prosecution, claim 14 has been canceled and its subject matter folded into claim 15. Antecedent basis has been added in the second line of claim 15. Claim 48 has been amended to remove the words "or wherein" from the end of the claim. In view of these amendments, the Applicants submit that claims 14 and 48 are no longer objectionable.

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CLAIM REJECTIONS

35 USC 112

The Examiner has rejected claims 14-41 under 35 U.S.C. 112, second paragraph for being indefinite for lack of antecedent basis for "the first and second deflector arrays." The Applicant submits that the rejection is moot with respect to canceled claims 14, 26, and 29. The Applicant submits that the amendment of claim 15 to include "a first and second deflector array" as set forth above overcomes this rejection. Similar amendments have been made to claims 17 and 32. As such, the Applicants submit that these claims are no longer indefinite.

15 The Examiner has rejected claim 14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,097,859 to Solgaard. (hereinafter Solgaard). The Examiner has also rejected claims 14, 21, 23-25 and 27 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,567,574 to Ma. (hereinafter Ma). The Applicant submits that the rejection of canceled claim 14 is moot. The Applicants further submit that claims 15 and 17 are allowable for the reasons cited by the Examiner. Furthermore, claims 21, 23-25, and 27 are allowable by virtue of their dependence on claim 17.

35 USC 103

25 The Examiner has rejected claim 22 and 28 under 35 U.S.C. 103(a) as being obvious over Ma in view of Solgaard. The Examiner has also rejected claims 70, 74, 78-80, 84 and 86-88 under 35 U.S.C. 103(a) as being obvious over Ma in view of U.S. Published Patent Application 20040042716 to Dames. (hereinafter Dames). The Applicant submits that the rejection of canceled claim 14 is moot. The Applicants further submit that claims 15 and 17 are allowable for the reasons cited by the Examiner. Furthermore, claims 21, 23-25, and 27 are allowable by virtue of their dependence on claim 17.

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As discussed above, the Examiner has agreed that Dames is not prior art with respect to the current application. Therefore, a prima facie case of obviousness is not present with respect to claims 70, 74, 78-80, 84 and 86-88. As such, these claims define an invention suitable for patent protection, either in their own right or by virtue of their dependence
5 from other claims. Furthermore, claims 71-73, 75 are believed to be allowable by virtue of their dependence from claim 70.

ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims 48-54, 56, 57, 59-64, 66 and 118 are allowed and that claims 81, 82, 85, 89, 90 92-100 and 119 would be allowable if rewritten in
10 independent form including all the limitations of the base claim and any intervening claims. Furthermore, the Examiner indicated that claims 15-20, 26 and 29-41 would be allowable if rewritten to overcome the rejections under 35 USC 112 and to include the limitations of the base claim and any intervening claims. To Expedite prosecution, the Applicants have canceled claim 14, 26 and 29 and rewritten claims 15 and 17, in
15 independent form as set forth above and overcome the rejections under 35 USC 112 as described above. Claims 81, 82, 85, 89, 90 92-100 and 119 depend either directly or indirectly from claim 70, which is believed allowable for the reasons set forth above.

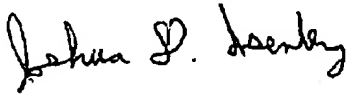
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CONCLUSION

For the reasons set forth above, the Applicants submit that all pending claims are
5 allowable over the cited art and define an invention suitable for patent protection. The
Applicants further submit that, for the reasons set forth above, the pending claims are
neither vague nor indefinite. The Applicants respectfully request that the Examiner enter
the amendment, reconsider the application and issue a Notice of Allowance in the next
office action.

10 Respectfully submitted,



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